### American Academy of Matrimonial Lawyers - April 2022

One Year Anniversary Newsletter



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Cary J. Mogerman

AAML President

#### PRESIDENT'S MESSAGE

The weather cooperated fully, as did clear skies, the full desert moon, the International Space Station (which passed overhead at least twice), and a visit from Marilyn Monroe. My wife **Dee**, who

day coordinators Kiilu Davis, JoAl Sheridan, and Adam John Wolff, for arranging and presenting the excellent continuing legal education offerings which were the backbone of the conference.

Another special word of thanks to the director of our golf outing, <u>Ken Altshuler</u>, for making all the In this department we are still catching up from our wonderful week in Indian Wells, California, where we gathered for the 2022 AAML Midyear Meeting. arranged surreptitiously for "Marilyn's" surprise visit, may have forgotten that she has a birthday of her own coming up, and that paybacks can be... memorable!

A special thanks to our CLE Co-Chairs, <u>Anne Marie</u> <u>Jackson</u> and <u>Lisa T. Spencer</u>, and their CLE necessary arrangements for a gorgeous afternoon of golf on the Celebrity Course of the Indian Wells Golf Resort.

It could not have been more pleasant or smoothly executed. I also wish to thank...

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Jim Mueller, Editor



Jill C. Peña, E.D., AAML



The Professionalism & Collegiality Committee wants you to take your opposing counsel to lunch.

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The History/Photo Committee is seeking Legacy information for any AAML Fellows. Can you help? CLICK TO READ MORE



Brent Cashatt, President-Elect and Chair of the Nominations Committee requests National Office Nominations be sent by **May 15, 2022.**CLICK TO READ MORE

Please be sure to use the new AAML logo in all of your communications. If you do not have the logo, please email Mary Dietel.



#### **Tech Tips Video**

Brought to you by the Practice & Technology Committee's Fellow, <u>Sally L. Pretorius</u>. Watch as Sally guides you through signing a .pdf on an iPhone or iPad without the use of DocuSign.



Coming Up!
Drinks and Diversity
April 13, 2022

Native American Issues
For AAML Fellows - Log in Required
via Zoom Meetings

Enhancing Awareness and Sensitivity to Native American Issues within the Legal System





When you mix military personnel, child support payments, Reserve/Guard mobilizations, custody and visitation, and large-scale deployments of servicemembers, unpredictable results occur. Today's legal terrain is littered with developing case law involving substitute visitation for family members, 90-day stays requests for custody hearings, interim child support issues and family care plans for service personnel.

# The Servicemembers Civil Relief Act (SCRA) and Family Law

April 22, 2022 - 1:00 pm ET

Choose between purchasing this webinar singly, or pre-paying for all five in the series for the price of four.



This presentation gives the audience a current snapshot of cutting-edge issues for the family law practitioner on the evolving interface between domestic relations and the SCRA.









#### 2022 AAML Institute for Family Law Associates

Introductory and Advanced Courses

June 23-26

Loews Chicago Hotel

Chicago, IL

Once all Seats are Filled - A Waiting List Will be Established

#### INTRODUCTORY PROGRAM

Space is limited to the first 40 registrants

- Divorce Tax Issues
- How to Read and Interpret 1040s, 1120s and Corporate Financial Statements
- Basics of Business Valuation and Retirement Assets in Divorce.
- Trial Preparation: Use of Experts and Handling Issues Arising From Social Media
- Tips on Being the Most Effective 2nd Chair
- Meeting with Clients and Key tools to Market the Law Firm
- Understanding Personality Disorders that Present in Clients

#### ADVANCED PROGRAM

Registration now closed.

Email office@aaml.org to add your name to the wait list

- Advanced focus on financial issues including a full day of business valuation training for lawyers
- How to analyze and interpret balance sheets and profit and loss statements
- Corporate taxation under Chapters C and S
- Cutting edge trial technology and presentation tips
- Executive compensation issues
- Direct and cross-examination of experts
- Deposition Techniques

#### Counsel

- Child Custody Practice From Intake to Resolution
- Emerging LGBTQ Issues

Click Here for More Info on

Introductory Course

Click Here for More Info on

Advanced Course

#### **AAML EVENTS**

**Drinks and Diversity** 

April 13, 2022

8:00pm - 9:30pm ET

Webinar - The Servicemembers Civil Relief Act and

Family Law

April 22, 2022

1:00pm - 2:00pm ET

**AAML National Executive Committee Meeting** 

May 21, 2022

Denver, CO

2022 AAML Institute for Family Law Associates -

**Introductory** 

June 23-26, 2022

Chicago, IL

2022 AAML Institute for Family Law Associates -

**Advanced** 

June 23-26, 2022

Chicago, IL

2022 AAML Mediation Training

June 26-29, 2022

Chicago, IL

What Every Collaborative Family Law Professional

**Should Know** 

July 22-24, 2022

Chicago, IL

**AAML National Executive Committee Meeting** 

September 10, 2022

St. Louis, MO

AAML / BVR National Divorce Conference

September 18-20, 2022

**AAML CHAPTER EVENTS** 

**AAML-NJ Seminar Series** 

April 7, 2022

AAML-VA/MD/DC Chapters - Joint Spring Retreat

April 22-24, 2022

AAML-KY / KBA Family Law Section Family Law

Conference

April 27-28, 2022

AAML-NorCal 45th Annual Symposium

April 29-May 1, 2022

AAML-MI Advanced Family Law Seminar

May 5, 2022

**AAML NY Chapter Annual Dinner Dance** 

May 7, 2022

**AAML NJ Quarterly Meeting** 

May 10, 2022

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**IAFL EVENTS** 

IAFL European Chapter Meeting-Athens

May 11-15, 2022

IAFL Annual Meeting-Marrakech

Nov 30-Dec 4, 2022

IAFL European Chapter Meeting-Venice

Feb 1-5, 2023

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Journal of the American Academy of Matrimonial Lawyers

#### Case of the Month

This month starts a new feature from the AAML Journal: *Case of the Month*. Each month will highlight a family law case that we think is worthy of note, with implications for our membership without regard to state.

This month we look at <u>Moynihan v. Lynch</u>, 269 A.3d 435 (N.J. March 8, 2022), (Jeralyn L. Lawrence argued the cause for amicus curiae The New Jersey Chapter of the American Academy of Matrimonial Lawyers.)

The court summarized the facts as follows: "Kathleen Moynihan and Edward Lynch were involved in a long-term "marital-style relationship." Anticipating the potential dissolution of that relationship, they signed and notarized a written agreement that finalized the financial obligations each owed to the other. That palimony agreement provided that, within five years of vacating their jointly owned home, Lynch would pay off the mortgage, deed it over to Moynihan, pay her \$100,000, and pay the real estate taxes on the

property for two years after his departure. The primary issue in this case is the validity of that written palimony agreement."

Why wouldn't the agreement be enforced? Well, in 2010, New Jersey adopted a statue that required parties to a palimony agreement to separately consult with a lawyer before entering the agreement. In particular, the statue provides that...

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# CLICK TO BROWSE JOURNAL ARTICLES

Journal of the American Academy of Matrimonial Lawyers

#### **Research Tips**

Last month, this column tipped you off to Google Scholar. Like many other resources on the web, facility with Boolean searches is a plus. Lexis, Fastcase, Casetext, and other legal database searches utilize Boolean searches, while Westlaw utilizes the key number system and/or Boolean searches.

More and more legal databases are using natural language searches as well, but a well-crafted

Boolean search is much more efficacious. Good, quick tutorials on Boolean searches can be found <a href="here">here</a>, <a href="here">here</a>, and <a href="here">here</a> (with link to a YouTube video on Boolean searching).

Now that you have mastered Boolean searches, here is a good website for lawyers that does *not* use Boolean searches. Instead, it uses what many websites use: keywords. The National Conference of State Legislatures has pages devoted to family law legislation <a href="https://example.com/here">here</a>. This website can search for legislation on: Child

Support Prevention; Custody and Visitation - Grandparents; Custody and Visitation - Military Parents; Economic Stability; Enforcement; Enforcement - Intercepts, Asset Seizure; Enforcement - Licenses: Family Law; Family Violence Collaboration; Father Engagement; Guidelines; Guidelines - Adjustments; Guidelines - Termination of Support;

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# CLICK TO BROWSE JOURNAL ARTICLES



Ukraine: Stay and Remain, Part 1
by Mark E. Sullivan
Mr. Sullivan, a retired Army Reserve JAG
colonel, practices law in Raleigh, NC, and
is the author of the *The Military Divorce* 

Handbook, (Am. Bar Assn., 3rd Ed. 2019).

The Pentagon has deployed thousands of servicemembers in response to the Russian invasion of Ukraine.

Naval frigates, surveillance aircraft, artillery units and brigade combat teams are all heading out as part of the first-ever NATO Response Force.

Undoubtedly some of the servicemembers (SMs), will be involved in civil cases, administrative legal proceedings, and family law litigation. It is essential to know how to ask the court to *freeze the case* during a deployment (or any period in which the SM is unavailable due to assigned duties), so the *status quo* will remain while the SM is not available.

The "stay" is how litigation may be suspended. The Servicemembers Civil Relief Act (SCRA), Chapter 50 of Title 50, U.S. Code, tells how to request and obtain a stay of proceedings. The court may order an automatic, mandatory stay if the four essential elements are shown. The statute requires a letter or other communication:

- 1. with facts showing how military duties materially affect the SM's ability to appear, and
- 2. stating a date when he will be available.

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"You Can't Do That!"

Stop Signs and Solutions in

Military Division Cases (Part 3)

by <u>Mark E. Sullivan</u>
Author of the *The Military Divorce Handbook* 

(Part 2 of this article covered pre-approval of pension orders an example of a military pension division order.

work arounds for the 10/10 Rule and the Frozen Benefit Rule, domicile as a basis for jurisdiction, and locating the servicemember for service of the court papers).

Q. I'm drawing up a pension division order for Rachel Roe, a Marine Corps Reserve officer. My state says that the marital fraction is made up of years of marital pension service divided by total years of pension service. Will that fly when I send it to the retired pay center?

A. No, it won't. When you're using a fraction in the document (such as "pension service during the marriage divided by total pension service"), and the servicemember is in the National Guard or Reserves, the fraction has to be expressed in terms of retirement points as of the "date of divorce" (see below) for the definition in this context); the retired pay center will fill in the denominator when the individual starts getting retired pay (usually at age 60).

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# How to Give Money to the Foundation

These past years have been challenging for all of us due to the on-going Covid-19 pandemic. In spite of the obstacles that we all faced, the AAML Foundation was able to meet its philanthropic goal of donating \$190,000.00 in 2020 and \$240,000.00 in 2021 to 48 Non-Profit Organizations across 23 states, plus District of Columbia.

The Lifetime Membership, the Planned Giving Program, the Billable Hour Campaign, and Tributary Donations are four ways the Foundation receives donations that will enable us to continue making a tremendous difference in the lives of underserved families facing issues like domestic violence, poverty, and limited access to the courts.

#### **Lifetime Membership**

Lifetime Membership Donations are used to build the investible assets of the Foundation.

Lifetime Memberships are received two ways: making a one-time gift of \$2,500 or donating \$3,000 paid over six years at the rate of \$500 per year. Everyone is eligible to become a Lifetime Member, even if they are not an attorney or a member of the AAML Foundation.

#### **Planned Giving Program**

The Planned Giving Program, established in 2012, allows donors to support the Foundation by making a donation by trust, will, life insurance, or many other charitable giving tools.

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Hugo 'the Boerboel' Stiglitz Zoshin
Visit Hugo on Instagram: @hugotheboerboel
Submitted by Andrew Zashin

**CLICK TO VIEW GALLERY** 



Cartoonist: Ben Garber, PhD
Co-conspirator: Dana E. Prescott
CLICK TO VIEW PAST CARTOONS



## **CONTACT US**

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